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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,325	03/22/2000	Nimrod Megiddo	ARC000009US1-IBM	7964

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/533,325

Applicant(s)

MEGIDDO, NIMROD

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minder US Patent 6,144,943 in view of Gundewar et al. US Patent 6,381,610 and further in view of Leymann et al. US Patent 6,122,633.

Regarding claim 1, Minder discloses a method and apparatus including a computer system for managing contract housekeeping services so as to improve the quality and value of the housekeeping services received. The method invention comprises a series of actions in order to generate a grade representative of the quality of housekeeping services. This grade is then used to make at least one decision regarding the management of housekeeping services. The management having an impact upon the physical appearance and maintenance of a given facility. (abstract)

Minder's method for using a computer system to manage contract housekeeping services comprising a series of steps. The first step of the method includes storing in the computer system a plurality of variables describing specific housekeeping service tasks. The next step includes defining a plurality of possible performance criteria scores probative of the plurality of variables. The next step includes receiving in the computer system user input operative to select a subset of the plurality of variables which are applicable to housekeeping for a given facility and then receiving in the computer system the actual performance criteria scores for the selected subset of variables. The computer system is then used to process the actual performance criteria scores and to output a grade representative of the quality of housekeeping services. This grade is then used to make at least one decision regarding management of housekeeping services, the management having an impact upon the physical appearance and maintenance of the given facility. The grade may be used to determine compensation for specific housekeeping services. Also, the grade may be used to determine whether or not to continue contract housekeeping services with the specific provider being evaluated. In another aspect, the grade may be used to implement improvements with respect to specific housekeeping service tasks. (col. 2, lines 5 – 29)

Minder does not disclose notification to contracting parties. Gundewar et al. discloses a method for automated project planning. Entry and exit criteria may include milestones approvals, procedure completions, and/or design or production events necessary to enter or exit the particular process (col. 5, lines 58 – 61). Project repository module may generate and initiate electronic mail communication (notification) to team

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members (col. 7, lines 33 – 37). Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to notify contracting parties to avoid the contract from becoming unenforceable due to not meeting the contract terms.

Regarding claim 2, Minder discloses defining a plurality of possible performance criteria scores probative of the plurality of variables. (col2, lines 10 – 12)

Regarding claim 3, Minder does not disclose responding to the event when a criteria is not met. Gundewar disclose that its project repository module may restrict further completion of the particular procedure or subsequent procedures until all templates have completed and submitted, by electronic mail for example, by team members. Project repository module may also automatically process all of such templates and generate a summary template based on the data in each of such templates. The summary template and team member templates may all be stored in project workspace. (col. 8 line 62 – col. 9, line 3)

Regarding claim 4, Minder does not disclose retrieving information from remote locations. Gundewar discloses that "Communication link may be a dedicated or switched link over a public switched telephone network (PSTN), a satellite link, a

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microwave link, or other appropriate communications link between clients and server.

The components of system may be part of a local area network (LAN), wide area network (WAN), or other suitable network of interconnected computing devices. In a particular embodiment, components in system communicate over the Internet using the World Wide Web (WWW), file transfer protocol (FTP), Telnet, Usenet, Gopher or Archie utility, electronic mail, bulletin boards, or other communication technique. For example, server and clients may maintain and execute a browser or other suitable program for accessing and communicating information addressed by a uniform resource locator (URL) using link (col. 3, lines 9 – 23). Therefore, it is known at the time of applicant's invention to a person with ordinary skills in the art to retrieve information from remote locations to make the system a distributed system and give remote access to the information to its users.

Regarding claim 5 – 6, Minder does not disclose sending reminders and receiving input from users. Gundewar discloses that the project repository module may then restrict further completion of the particular procedure or subsequent procedures until all templates have completed and submitted, by electronic mail for example, by team members. Project repository module may also automatically process all of such templates and generate a summary template based on the data in each of such templates. The summary template and team member templates may all be stored in project workspace (col. 8 line 62 – col. 9, line 3). Therefore, it is known at the time of

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applicant's invention to a person with ordinary skills in the art send reminders (notify) and receive input (response) from the users to complete tasks and continue further with the project.

Regarding claim 7, neither Minder nor Gundewar disclose recording / logging responses for retrieval. Leymann et al. discloses a workflow-management-system (WFMS). WFMSs manage the execution of business processes. These business process typically are performed in a distributed environment. Typically workflow management system write an audit trail. Audit trail contains a record for each major event, such as start or termination of a process or an activity. The audit trail of WFMS represents a huge potential source of information (col. 2, line 65 – col3, line 5). It allows the team members to work independently on different activities. Program and process activities can be associated with a time limit. The time limit specifies how long the activity may take. If the time is exceeded, a designated person is notified. If this person does not react within another time limit, the process administrator is notified. It not only helps to recognize critical situation but also to detect process deficiencies as all notifications are recorded in an audit trail. Therefore, it is known at the time of applicant's invention to a person with ordinary skills in the art to record and keep track of the information to keep an audit trail.

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Regarding claim 8, it is notoriously known at the time of applicant's invention to a person with ordinary skill in the art that a project manager or a contract manager goes into idle state (wait state) monitoring time and progress (to avoid delay in the project implementation) until an event has occurred (there is an update status to the project), or, the milestone is not achieved (passed the deadline). (see the uses of Gantt Chart, Microsoft Project (one of the computer tools used by project managers has been commercially available prior to the time of the invention) provide Gantt Charts to its users).

Furthermore, it has generally been recognized that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Regarding claim 9, it is notoriously known at the time of applicant's invention to a person with ordinary skill in the art that a project manager or contract manager is required to notify its clients when a contract has failed because the terms and conditions of the contract were not met by the responsible parties (for example, in a real estate transaction, when the contingency clauses are not met as per the terms of the contract, i.e. it does not meet requirements of both parties, it is deemed to have failed to perform and is cancelled).

Furthermore, it has generally been recognized that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Regarding claim 10, it is notoriously known at the time of applicant's invention to a person with ordinary skill in the art that a project manager or contract manager is required to notify its clients when a terms and conditions of the contracts have been satisfied, and, that the contract is a valid and enforceable contract (for example, in a real estate transaction, when the contingency clauses are met as per the terms of the contract, i.e. neither parties have any more contingencies on the contract, it is deemed to be a valid and enforceable contract).

Furthermore, it has generally been recognized that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Regarding claim 11, it is notoriously known at the time of applicant's invention to a person with ordinary skill in the art that a project manager or contract manager is required to notify its clients when a milestone is not achieved to fulfill the requirements

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of the contingencies on the contract. (for example, in a real estate transaction, when there is a delay in meeting a contingency on the contract, the agent will notify their client to inform the delay on a contingency and take the action as per the instructions from their client).

Furthermore, it has generally been recognized that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claims 12 – 15 are rejected because these claims are for the system to be used for the method claims 1 – 11 rejected earlier.

Claims 16 – 20 are rejected because these claims are for the program to enable the system claims 16 – 20 rejected earlier.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

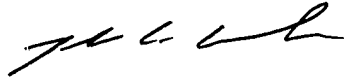
1. Dudle et al., US Patent 5,570,291.
2. Bernardo et al., US Patent 6,308,188.
3. Pinguet, Document Number FR 2 856 316
4. Sample of Addendum Of Clauses which shows contingency clauses on a real estate transaction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 6:30 - 4:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

July 26, 2002


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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